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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
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9 Fund for Empowerment, et al.,
10 Plaintiffs,
11 v.
12 City of Phoenix, et al.,
13 Defendants.

No. CV-22-02041-PHX-GMS

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ORDER
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17 After reviewing the Plaintiffs' Motion for Preliminary Injunction (Doc. 2),
18 associated filings and affidavits, and the parties' arguments during the Preliminary Hearing
19 on December 14, 2022, Plaintiffs' motion is granted in part and denied in part. The Court
20 issues this abbreviated order in light of the Defendant City's upcoming enhanced cleaning,
21 which is scheduled to take place on Friday, December 16, 2022. An order setting forth the
22 Court's analysis of the parties' arguments and explaining the preliminary injunction below
23 more fully will promptly issue, hereafter. Nevertheless, though Plaintiff's motion is
24 granted in part, nothing in this Order or the forthcoming Order precludes the City from
25 conducting its enhanced cleanup plans in the area referred to in the motions as "the Zone"
26 on December 16, 2022, pursuant to the City's procedures and briefings as represented to
the Court in this case.

27 Accordingly,

28 **IT IS HEREBY ORDERED** that Plaintiffs' Motion for Preliminary Injunction

1 (Doc. 2) is granted in part and denied in part.

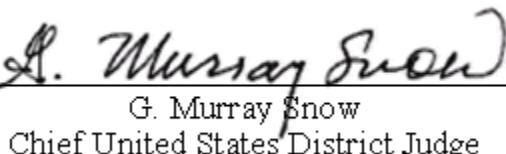
2 **IT IS FURTHER ORDERED** granting that the City, its agents and employees, are
3 preliminarily enjoined from doing any of the following:

- 4 1. Enforcing the Camping and Sleeping Bans against individuals who practically
5 cannot obtain shelter as long as there are more unsheltered individuals in Phoenix
6 than there are shelter beds available;
- 7 2. Seizing any property of the unsheltered without providing prior notice at the
8 property's location that the property will be seized, unless the agent or employee
9 has an objectively reasonable belief that it is (a) abandoned, (b) presents an
10 immediate threat to public health or safety, or (c) is evidence of a crime or
11 contraband; and
- 12 3. Absent an immediate threat to public health or safety, destroying said property
13 without maintaining it in a secure location for a period of less than 30 days.

14 **IT IS FURTHER ORDERED** that if property is seized pursuant to a belief that it
15 was abandoned or after the City provides notice that it intends to seize the property, the
16 City, its agents and employees, are further required to provide a notice at the location from
17 which the property was seized, calculated to be readily seen by any owner of the property,
18 describing how and where to retrieve the property and the deadline for retrieving it.

19 **IT IS FURTHER ORDERED** that the Motion for Leave to File amicus brief by
20 Freddy Brown (Doc. 31) is granted.

21 Dated this 15th day of December, 2022.

22 
23 G. Murray Snow
24 Chief United States District Judge